



TOQUERVILLE CITY COUNCIL MINUTES

Thursday, September 3, 2015

6:00 PM, Work Meeting; Regular Meeting, 7:00 PM

Held at 212 N. Toquerville Blvd, Toquerville Utah

6:00 PM WORK MEETING:

Attendance: Mayor Darrin LeFevre, Council members (council): Mark Fahrenkamp, Paul Heideman, Brad Langston & Ty Bringhurst; Staff: Planning Commission (PC) Co-Chair Jerome Gourley, Recorder Renee Garner, Public Works/ Maintenance Assistant Randy Johnson. Others: Nick Wright of the Hurricane Valley Fire District representative Nick Wright, Richard Pabon representing Gary Otto, Annette Kleinman, and Karlene Young.

Meeting called to order by Mayor Darrin LeFevre at 6:02 pm.

1. Sewer Update: Blair Gubler reported that (a) the district was considering lowering the acreage limit for septic tanks. There are many lots in the Bench Lake area near Sand Hollow reservoir that were created as nine acres to conform to the district's acreage requirement for private septic systems. Now those people want to split their lots and still be allowed their septic tanks. Blair Gubler talked about the Orenco system and shared its process for filtering and reducing nitrates to acceptable levels. (b) He mentioned that the district was about to do the last hay cutting of the season. This will be the seventh.
2. Staff Reports: Administrator Mike was absent due to Hurricane City meeting schedule conflict.
3. Planning Commission (PC) Update: Chair Keen Ellsworth was absent. Co-Chair Jerome Gourley (a) stated that PC ratified Mayor's appointment of Jake Peart as the new Alternate PC member. (b) He reported that PC would be meeting an hour earlier at 5:30 pm to work on the vacation rental ordinance draft and would be hoping to pass that on to council for its October meeting. Jerome mentioned that Mike Vercimak was opposed to allowing vacation rentals and had cited problems that Hurricane City had been dealing with since the passage of their vacation rental ordinance. Currently Hurricane has placed a moratorium on new ones being allowed until they sort out the mess. (c) The energy company's conditional use permit applications (Windsong and Strata Blue), were tabled due to insufficient information provided. They did not attend Staff meeting or PC. Mayor said he knew they were working closely with our Attorney. Mayor would talk to Attorney Heath Snow for his input and guidance.
5. City Engineer update: Karl Rasmussen was not present. (a) Mayor directed us to the map provided by Karl on the Hillside project and informed us that many people living along Cotton Gin and Hillside were contacted about the proposed road improvement. In general most of the residents thought it was a good idea but are not interested in giving up their own land for it. Lonnie Christensen may be willing to deed the road to the city. He's currently paying taxes on land the road is on to no personal benefit. (b) The Capital Facilities plan is still being reviewed by the State Ombudsman. We have an email from him but Mayor hoped we would have his report by the October meeting.
6. Review Business of the Regular Meeting Agenda: Mayor asked Blair Gubler if the manhole lids were covered for the fog seal (C-4). He said that many of them were not covered and the City would be required to take the tar off of them.
4. Water/Maintenance Update: Lance Gubler was not present and Randy Johnson gave the report. (a) Lance had asked June Jeffery to send a request letter to Hurricane City to let us borrow their lift and their employee, Mike Ruesch to put in a sample LED streetlight. They complied and we'll be putting that up in the next week. Scott Thompson of DiVi is sending us the light. (b) The sewer district helped us camera a storm drain between Manwarring and Criddle properties in Cholla Creek. This drain starts on the east side of the street and goes to the creek. Randy showed us the film which demonstrated that there was root damage and blockage. Ty Bringhurst recommended replacing 250 feet of 12" inch pipe with 18" inch pipe and keeping the line straight instead of letting it turn near the end. Ty felt we should replace the drop box too. (c) Randy updated us on plans to install a fire hydrant on Staghorn in Cholla Creek subdivision. The line is a dead end and there was a leak as well. They added a new service line and the fire hydrant but they thought they discovered a cross connection. They couldn't tell where the cross connection was or if perhaps it was just ground saturation from the leak. Their first water tests that should have been irrigation showed high chlorine content. They will continue to look for the cross connection. Randy thought a resident with the cross connection may have seen them working and turned off the connection. The work required them to take out ¼ of the curb. They'll replace that on Wednesday. Ty asked if there was money to work on the storm drain. Mayor confirmed that there was. (d) Brad asked about a sign he wanted posted in the cemetery. Randy said he'd sent the order in and will follow up.

Mayor asked Nick Wright of the fire district if he had anything to report. Nick said that he had checked the Young property (C-3), for their bed and breakfast permit and all looked fine. Jerome Gourley agreed that the Young permit was approved for recommendation to council.

Council discussed the city's variance for a flag lot on Toquerville Blvd and stated that the fire district would not approve building there. Council concluded that we would have to allow the building permit to go through due to the variance ruling. Renee was instructed to make sure June knew we could process that.

Mark mentioned the reconstruction of the council podium.

Mayor dismissed the work meeting at 6:41.

7:00 PM - CONVENE REGULAR MEETING: Additional Regular Meeting Attendance: Daren Cottam came in at 7:20 pm

1. Call to Order by Mayor LeFevre at 6:58 p.m. Pledge: Council Ty Bringhurst. Invocation: Council Paul Heideman.
2. Requests for any statements of belief from any present, and disclosures and declarations of conflict from council: Mayor mentioned that he has a conflict with anything involving Pro Engineering and Karl Rasmussen because he works with him.

A. CONSENT AGENDA:

Review and possible approval of council meeting minutes August 13, 2015, as corrected & city expenditures review for August 2015. Renee was directed to stop printing up her version of the Financial Report since it's a redundancy of June's report.

Motion to approve the consent agenda was given by Mark Fahrenkamp and second by Ty Bringhurst. Vote: All Aye.

B. PUBLIC FORUM: Mayor LeFevre opened the public forum asked for comment. None given, he closed the public forum.

C. BUSINESS:

1. Consideration and possible approval of expenditure of funds for Street Light upgrade to LED and in compliance with Night Sky Ordinance. Council agreed to get a second bid and to wait until the sample light is up for a time. DiVi's offer in review: Streetlights: Total Project Cost: \$47,144.00, RMP Incentive: \$8,201.48, Total out of Pocket: \$38,942.52.

Facilities: Total Project Cost: \$7,319.00, RMP Incentive: \$2,056.00, Total Out of Pocket: \$5,263.00.

Total for both Streetlights and Facility lights: \$44,205.52

Contractual option: Sherpa would be \$15,517.00 down with a 7 year contract at \$625.00 per month. For that cost we would be worry free on all maintenance for our city lighting. Sherpa would include replacement of every bulb in the city, four inspections per year and clean out of bird nests (though lens cleaning is an additional fee), swap out all burned out bulbs, and there is a 20% discount on all products and services which they will extend to all developers doing projects in the city.

Total contractual for both Streetlights and Facility lights: \$68,017.00. This is \$14,000.00 more than the \$44,205.52.

Mayor called for a motion.

Motion was given by Brad Langston to table the expenditure of funds for street light and facility lighting upgrade to LED until November. Second was given by Paul Heideman. Mayor asked for comments. Brad felt he would like to see a second bid come in to present to Council. Mayor called for a vote: Heideman, aye; Langston, aye; Fahrenkamp, aye; Bringhurst, aye. Motion carried unanimously.

2. Consideration and possible ratification of expenditure of funds of \$160.00 per year to each of the Toquerville LDS Ward Scout troops for up to four American Flags to be placed at various places to be designated by the City. Council agreed that the troops should be listed by troop number and not by affiliations.

Mayor asked Renee to report on what was done after the direction given to her at the last meeting. Renee explained that during the August Council meeting it was decided to extend an offer to Troop 357 and Troop 1177 to pay for flag services. The donation should be equal to each. The August meeting had a vote in favor of paying Troop 1653 an amount of \$80.00 for two flags at the cemetery. Troop 357 is now putting four flags in front of the City Office free of charge. Since we want to pay them for that service, we want to have each Troop do four flags for \$160.00. Troop 1177 will fill in the blank spots where no one is getting flags on Toquer Blvd from Center south to the Winery. Their troop only takes care of the west side of the road. Troop 1653 will now do the two flags at the Cemetery sign/entrance as well as raise the larger cemetery flag on those days and be in charge of and provide a Memorial Day Service each year for \$160.00. In this way we would be paying all three troops the same amount – \$160.00 for 4 flags or the equivalent service.

Mayor called for a motion.

Motion to approve the expenditure of funds of \$160.00 per year to three scout troops, Troop 357, Troop 1177, and Troop 1653, for four American Flags each or equivalent services was given by Mark Fahrenkamp and second by Paul Heideman. Mayor asked for comments. None given, he called for a roll call: Fahrenkamp, aye; Bringhurst, aye; Langston, aye; Heideman, aye. Motion carried unanimously.

3. Consideration and possible approval of Application for Conditional Use Permit of a bed and breakfast business, "The Young Home Bed & Breakfast": Gary and Karlene Young at to 460 N Toquerville Blvd, Parcel #T-96-B-N; It was noted that the business is not an LLC. Mayor gave a brief history of this item and its status as recommendation for approval. Conditions recommended by Staff and Planning Commission are:
 1. The owner shall limit total occupancy on the dwelling to no more than 10 persons.
 2. The applicant shall obtain all Local, State and Federal licenses required and agrees to abide by all rules and regulations of each such jurisdiction.
 3. This permit shall not be enlarged, expanded or changed otherwise without express written permission from Toquerville City.
 4. This permit shall receive an annual review by the Toquerville Planning Commission.

Mayor called for a motion.

Motion was given by Paul Heideman to approve the Application for Conditional Use Permit of a bed and breakfast business, "The Young Home Bed & Breakfast" with the conditions recommended by Staff and Planning Commission. The second was by Ty Bringhurst. Mayor asked for comments. Hearing none, called for a vote: Fahrenkamp, Bringhurst, Langston, and Heideman, all Aye. Motion carried unanimously.

4. Consideration and ratification of expenditures to fund street oil/ fog seal in Toquer Heights and Terrace Circle subdivisions. This was a ratification of a phone poll. Mayor stated that the next time the city did work in-house we need to do a better job of traffic control to protect cars from the new oil. Blair had reported that the sewer lids were not all covered as well. Randy Johnson said that there was extra oil so they also did Mt Charm, and Pecan. The city maintenance department had hauled the skidster and sweeper into town and swept the streets. That was their only involvement. Ty expressed concern that there was no bond and no warranty on the work. He thought it was a risk that was not worth the savings. Mayor said he'd talked to the attorney who told him that the city had done everything required by law. Ty reminded us that it had been sprayed three years ago badly and we had no way to make them fix it without paying them more money.

Mayor asked for a motion.

Motion to ratify expenditures of funds not to exceed \$17,000.00 for street oil/ fog seal in Toquer Heights and Terrace Circle subdivisions was given by Brad Langston and second by Mark Fahrenkamp. Mayor asked for comments. None given, he called for a roll call: Heideman, aye; Langston, aye; Bringhurst, nay; Fahrenkamp, aye. Motion carried.

5. Consideration and possible ratification of Jake Peart as Planning Commission Alternate as designated at the last Planning Commission.

Mayor asked for a motion.

Motion to ratify Jake Peart as Planning Commission Alternate as designated at the last Planning Commission was given by Brad Langston and second by Paul Heideman. Mayor asked for comments. Ty asked who was on the Planning Commission and how one move up from the alternate position. Mayor named Chair Keen Ellsworth, Co-Chair Jerome Gourley, David Hawkins, Mike Ruesch and Alex Chamberlain. Lonnie Christensen was alternate but wasn't regularly attending meetings. The newest member is the alternate until a new person is appointed. Annette Kleinman remarked that there were no women on the commission. Mayor said he tried but they all said no. Mayor called for a vote: Fahrenkamp, Cottam, Bringhurst, Langston, and Heideman, all Aye. Motion carried unanimously.

- 6 Consideration and possible approval of secondary structure in excess of 18ft. Applicant: Gary Otto, at 1138 Cholla Dr., Property Tax ID# T-CHCR-1B-36. Mayor shared comments from Mike Vercimak stating that Otto had not attended Staff nor received a Staff review. Council asked Otto's representative, Richard Pabon, a few questions about the structure; construction is metal with an amended roof. The Plan was given home owner's association approval from the subdivision. Discussion covered possible need to amend the code to allow greater height on secondary buildings as well as giving planning commission the authority to approve.

Mayor asked for a motion.

Motion to approve item regarding secondary structure pending Staff approval and not to exceed 20' 4" was given by Ty Bringhurst and second by Mark Fahrenkamp. Mayor asked for comments. Hearing none, called for a vote: Fahrenkamp, Cottam, Bringhurst, Langston, and Heideman, all Aye. Motion carried unanimously.

D. REQUEST FOR AGENDA ITEMS: To be heard on the October, 2015, Council Meeting: (1) presentation by Celeste Maloy, Deputy Washington County Attorney on County recreation plan; (2) Capital Facilities Plan; (3) Resolution for impact fee increase (4) Short Term Rental.

E. CITY DEPARTMENTS AND COUNCIL REPORT TO THE CITY

1. Culture & Recreation/ Sewer District/ Beautification Committee: Paul Heideman (a) reported that the County Fair seed display was a great success due to Annette Kleinman, Tami Young, Rebecca Harris, Alana Hirschi, Patsy Hendrickson, Jenny Chamberlain, Kim Pope, Madison Pope, Paul Heideman, and Carylee Heideman. (b) We are beginning to check the lighting for the Christmas Lighting Program. (c) The sewer district is working on a capital facilities plan and impact fees amendment.
2. Streets/ MPO/ Risk Management / Confluence Park/Trails Committee/ Mosquito Abatement District: Daren Cottam (a) said the by-pass road meeting with UDOT and city representatives went well. Mark stated that he felt we needed to push an economic development plan. Mayor had petitioned UDOT for this meeting and to get our by-pass road onto the State Commission meeting in November. Mayor remarked that Rick Torgerson and Dana Meiers of UDOT are planning to try to get commission members to come and take a look before the meeting. He thought if we could get the north connection point from Lowes we could work on the middle part. Daren Cottam mentioned that there would only be three to five access roads off of the by-pass as opposed to all the driveways now coming off of SR-17. (b) Daren C reported that the fog seal was completed. Asked about the savings, he stated that doing it ourselves saved us half the cost.

- (c) Daren said he was getting certified in Mosquito abatement and hoped to continue to serve on that committee after he retires from council in January. He said the West Nile Virus is a concern in the area.
3. Economic Development/ Emergency Preparedness/ Water Dept. Asst. / Safety Committee: Ty Bringhurst reported that he'd met with Bill Jackson and gotten two concepts for the Center Street Park and the Trail Ridge Parks. He said he and Mark had met with the Parks Committee on August 24th and they amended the plans recommending the addition of a community center and perhaps a splash pad at the Center Street Park.
4. City Hall Maintenance/ Cemetery/ Solid Waste/ Fire District/ Tree Board: Brad Langston had no comment.
5. Subdivisions/ Water Dept. / Park Maintenance/Park Committee: Mark Fahrenkamp (a) asked Renee to check with the Sheriff's department about a new contract. (b) He mentioned the problem with areas of grass dying on the ball field. Sprinkler wiring was at fault. It will have to be reseeded. (c) He mentioned that the tech school funding was still being discussed at the county level. They are still hoping for funding through the county or commitments from municipalities.
6. Attorney's Report: Heath Snow was not present.
7. Mayor's Report: M Darrin LeFevre (a) said he got a text from Heath Snow asking us to make sure that the recycling program is being well posted so that those who want to opt-out have that opportunity. Discussion included clarification that if you didn't opt-out you were automatically in, that once you're in you are in and can't opt-out, and that Anderson Junction residents not currently receiving garbage pick-up would have the opportunity to opt-out when they do come in to begin their service. (b) Mayor asked Paul about the sewer districts trucks that they buy and then resell within the year. He wondered if that system worked for them. Our truck was old and we need to know if that's a good option for us. Paul said he'd ask.

Daren Cottam asked for an executive session to discuss personnel issues. Mayor excused the public.

F. EXECUTIVE SESSION: for personnel issues.

Attending: Mayor M. Darrin LeFevre, Council Members: Mark Fahrenkamp, Brad Langston, Paul Heideman, Ty Bringhurst, and Mark Fahrenkamp.

Mayor asked for a motion to go into an executive session.

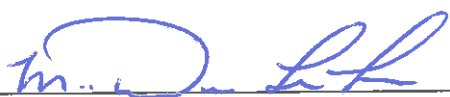
Motion by Daren Cottam to go into Executive Session or the purpose of discussing personnel issues was second by Ty Bringhurst. Mayor asked for a vote: Heideman, Langston, Bringhurst, Cottam, and Fahrenkamp, All agreed.

Mayor called for a motion to end Executive Session.

Motion by Brad Langston to leave the Executive Session was second by Ty Bringhurst. Mayor asked for a vote: Heideman, Langston, Bringhurst, Cottam, and Fahrenkamp, all agreed. Mayor stated the motion to leave the Executive Session passed unanimously.

Motion to Adjourn the Council meeting was given by Paul Heideman and second by Ty Bringhurst. 8:20 p.m.

Minutes of the September 03, 2015, Toquerville City Council Meeting will be presented for review and approval in the October, 2015, City Council Meeting.



M. Darrin LeFevre, Mayor

Date: 10-8-15



/s/ Renee Garner, Toquerville City Recorder

